

## **Notice of Proposed Settlement of Clean Water Act Class II Administrative Penalty and Opportunity to Comment: In the Matter of Trees, Inc.**

**Publication date:** May 20, 2008 **Comment closing date:** June 18, 2008

In accordance with section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g), and the Consolidated Rules of Practice at 40 C.F.R. Part 22, notice is hereby given to a proposed settlement, recorded in a Consent Agreement and Proposed Final Order ("Proposed Consent Agreement"), between the U.S. Environmental Protection Agency, Region 9 ("EPA"), and Trees, Inc. to resolve the following civil administrative penalty proceeding under section 309(g):

**In the Matter of Trees, Inc.**, Docket No. CWA-09-2008-0001; Complainant, Director, Water Division, EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105; Respondent, Trees, Inc. ("Respondent"), a landscaping company headquartered at 650 North Sam Houston Parkway East, Suite 209, Houston, TX 77060.

On or about May 13, 2008, pursuant to 40 C.F.R. § 22.13(b), Complainant and Respondent entered into a Proposed Consent Agreement to simultaneously commence and conclude this CWA class I civil administrative penalty proceeding. The Proposed Consent Agreement requires Respondent to pay to the United States a penalty of eleven thousand dollars (\$11,000.00), the maximum amount per violation allowed under CWA section 309(g)(2)(A), as adjusted per the Debt Collection Improvement Act of 1996. Payment of this penalty will resolve EPA's allegations that, on or about April 23, 2007, Respondent violated CWA section 301(a), 33 U.S.C. § 1311(a), when it sprayed Direx 4L and Garlon 4 to clear vegetation on the Resighini Rancheria land in Klamath, California, in a manner inconsistent with their Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") labeling instructions, causing the pesticides to enter Junior Creek, a tributary of the Klamath River and a water of the United States, without CWA permit authorization.

Any person wishing to participate in the proceeding must notify the Regional Hearing Clerk in writing, either by email to [r9hearingclerk@epa.gov](mailto:r9hearingclerk@epa.gov) or by mail or hand delivery to the Regional Hearing Clerk, USEPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105, attention Docket No. CWA-09-2008-0001, within thirty (30) days from the publication date of this notice and comply with the comment requirements of the Consolidated Rules at 40 C.F.R. § 22.45(c).

### **For more information:**

Any persons wishing to receive a copy of the Consolidated Rules or review the Proposed Consent Agreement may contact the Regional Hearing Clerk by mail or email (see contact information above) or by phone at (415) 972-3871. During the comment period, the Proposed Consent Agreement may also be inspected during business hours at the office of the Regional Hearing Clerk.